

R E P O R T.

THE SELECT COMMITTEE appointed to consider the REPORT of the COMMISSIONERS on the LIMITS of the Boroughs of *Dungarvon*, *Youghall* and *Mallow*, and to report their Opinion thereupon to The House:—HAVE considered the matter to them referred; and have agreed to the following REPORT:

YOUR COMMITTEE recommend that the Limits of the Borough of *Youghall* should be extended somewhat beyond those assigned to it by the Commissioners, and that the following should be substituted:—

FROM the point to the South of the Town where the New Road to Cork quits the Sea-shore, Northward, in a straight line to a point on the Windmill Lane, where the same is joined by a Bye Road from the North, about 200 yards to the West of the House occupied by Mr. Flynn; thence in a straight line to the South-west angle of the Ordnance Ground, on which the Barracks are built; thence along the Western Fence of the Ordnance Ground to the North-west corner thereof; thence, Northward, in a straight line to the spot where the Upper Edge of the Great Quarry is cut by a Road that runs through the same; thence down the said Road to the point where the same meets the Mount Unisacke Road; thence, Northward, in a straight line to the point where a Bye Road that leads from the Mount Unisacke Road to the Waterford Road makes a turn almost at right-angles, a little to the South of the House called Eastace's Folly; thence, Northward, along the same Road, passing to the West of Eastace's Folly, to the spot where the same Road meets the Waterford Road; thence in a straight line to the nearest point of the Sea Coast; thence along the Sea Coast to the point first described.

WITH respect to *Dungarvon*, it appears that the Commissioners were misinformed as to any distinction existing between the rights of the £.5 Householdors of the Town and of the Manor; and as all Householdors to the amount of £.5 throughout the whole of the Manor appear at present to be entitled to vote, Your Committee recommend that the Limits of the Borough should not be restricted, except so far as to exclude some small portions, which are wholly detached from the remaining part. They recommend also that some small portions of Land, altogether inclosed within the present Borough, but respecting the rights of which some doubts exist, should be declared to belong to the New Borough.

YOUR COMMITTEE have examined into the circumstances of the Town and Neighbourhood of *Mallow*, and see no sufficient ground for recommending any alteration in the Limits suggested by the Commissioners.

23 July 1832.

R E P O R T

FROM

SELECT COMMITTEE

ON

LIMITS

OF THE

BOROUGH OF DUNGARVON, YORCHALL
AND MALLOW.



Ordered, by The House of Commons, to be Printed,
23 July 1838.

DUNGARVAN, YOUGHALL AND MALLOW BOROUGHES.

MINUTES OF EVIDENCE

Taken before the Select Committee appointed to consider the REPORT of the COMMISSIONERS on the LIMITS of the BOROUGHs of *Dungarvan, Youghall and Mallow*, and to report their Opinion thereupon to The House.

Sabbati, 9^a die Junii, 1832.

EDWARD JOHN LITTLETON, ESQ. IN THE CHAIR.

Captain Gipps, called in; and Examined:

1. YOU were the Chief Commissioner appointed by the Government for the purpose of inquiring into the limits of boroughs in Ireland?—Yes.

2. Did you personally visit the three boroughs which are referred to this Committee?—I did.

3. What were the general instructions which were given to you with regard to those boroughs in which the extension of the borough jurisdiction had no reference to the exercise of the elective franchise?—Not to regard the extent of jurisdiction in proposing new boundaries, when the jurisdiction was not connected with the elective franchise.

4. Was that instruction in conformity with those which had been given to the Commissioners in England?—I believe it to have been in conformity with the paragraph that relates to the same subject in Lord Melbourne's letter of instructions addressed to Lieutenant Drummond; it appears to me to be so.

5. In fixing the limits of boroughs where no particular line appeared to guide you, what were the instructions that were given to you with regard to the limits to be taken?—To include the whole town, but as little as possible of land not occupied by houses.

6. Read to the Committee the passage from your instructions which refers to this subject?—

[In answer to this question the witness read the following passage from the Letter of Instructions addressed to him by the Chief Secretary for Ireland, dated 29th October 1831:]

“Where the town extends beyond the existing limits of the borough, you will mark those limits upon your plan; and you will also draw such a line as, taken from one known point to another, may comprise the whole of what may be fairly considered as part of the town or its suburbs, together with as little as possible of land not occupied by houses.”

7. What did you understand to be the motive for desiring you, in general, to draw the limits as closely as possible round the towns in Ireland?—I consider one of the principal reasons to be the desire not to include freeholders within the limits of the town, as they would be deprived of their votes for the county in cases where they occupied their freeholds. There are other reasons that I consider might be given; but that was the reason I believe that was principally given. In my own opinion, there are many others which might be given in favour of the mode that was adopted.

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Captain Giffard.

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8. Are there not several towns in Ireland to which there are agricultural districts attached, under the name of the liberties of the town?—Almost every town in Ireland has liberties attached to it; but the extent of those liberties we found to be, in general, but little known.

9. In the cases of Newry, Lisburn and Downpatrick, does not residence within the prescribed limits of the town, or the agricultural district, give a right of voting?—Residence within the agricultural district gives, in the cases of those three towns, the right of voting equally with residence within the town itself.

10. In those places, therefore, you did not consider yourselves warranted by your instructions to propose a more limited boundary than that which is now possessed by them?—It would have been directly against our instructions to have proposed a more limited boundary in those cases. The Commissioners, however, for their own satisfaction, sketched out more restricted boundaries for those towns, in the idea that an alteration in the intentions of Government, or a decision of the House of Commons, might render them necessary; but they did not bring them forward in their Reports, for the reason I have above stated. They sketched out the boundaries merely that they might not, in any case, be under the necessity of revisiting the places.

11. In the case of Youghall you did not consider it necessary to include the liberties of Youghall in the limits which you proposed to the boroughs?—It would have been contrary to our instructions to have done so, as those liberties are not connected with the exercise of the elective franchise.

12. What was the right of voting in the borough of Youghall?—The right is set forth in the Report; Youghall is a corporate town, therefore the right of election is in the freemen of the corporation.

13. Youghall, therefore, was one of the boroughs which came within the general rule requiring you to draw the limits closely round the town and its suburbs?—Yes.

14. Is there any peculiarity in the situation of Youghall which rendered it expedient in your mind to draw the limits very closely round the town?—There is a hill rising immediately behind the town of Youghall, between which and the sea the town is confined; the town has never extended itself over the brow of this hill, nor does it seem likely that it ever will.

15. Is the side of that hill so steep as to be unsuited for building?—Not absolutely unsuited for building, but I think it very unlikely to be built upon; the ground is so high that the situation would be very inconvenient: there is one house there that is marked on the plan near the letters (C.D.); it may be called something in the nature of a villa, but it is a solitary one.

16. You have nothing that shows the limits of the liberties, have you?—I have no plan that shows the limits of the liberties, but I have some information respecting the liberties which, as it is, I can submit to the Committee, if the Committee would wish to hear it.

17. What is the information?—Here is a letter from the Mayor of Youghall, dated the 16th of February 1832; it is an answer from the mayor to some inquiries that I made respecting the liberties; not, however, in contemplation of this Committee, for the Mayor's letter is dated, as I have said, the 16th of February last, which was long before I knew that the case of Youghall would be made a special one for the consideration of a Committee.

18. Are there any known limits to the borough of Youghall?—None that I know of except the limits of the liberties. There are the old walls of the town as shown on the plan, but they are not the limits of any jurisdiction.

19. Then it is co-extensive with the parish?—I believe it is co-extensive with the parish, though this does not follow as a matter of course.

“Youghall, February 16, 1832.

“My dear Sir: In compliance with your letter of the 11th instant, I hasten to give the information required, as far as I feel competent, by answering the queries you put to me: ‘1st, The extent of the liberties of Youghall, whether defined by charter, and whether perambulated; also their population.’ The extent of the liberties from south to north running through the town, is about five miles, and from the barracks on the old Cork road to the west, about 2½ miles, Irish measure. Those liberties are recognized by existing charters, but not defined. A charter of John had been in the corporation possession at a

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"remote period, and supposed to have been the charter of creation; it has been lost, and cannot now be traced or recovered. The liberties are perpetuated, from the earliest period of our records to the present moment, in each and every year by the magistrates and corporation, on Whitmonday, for the performance of which the mayor is bound by oath when sworn into office. The population of the liberties by the census of 1821 was 1,900. By the census taken last year, 1,719."—

Captain Gifford.

29 June 1832.

[The witness whilst reading the Mayor's letter was interrupted by the following question:]

20. There is one question we must ask before you proceed: exclusive of what?—Exclusive of the town and suburbs.

[The witness then continued the reading of the letter:]

"2d. 'Do the liberties contain any villages, hamlets or manufactories?' There are no villages in the liberties; there are hamlets, that is, there are seats of freeholders, registered for the county: there are not any manufactories save those of pottery-ware and bricks. '3d. The probable number of 10*l*. freeholders the liberties would afford beyond the limits of the town, that is to say, beyond Sir William Homan's, beyond the great quarries, and beyond the barracks on the old Cork road?' I find some difficulty in answering this. There are several resident persons who are registered freeholders for the county, but the number of occupiers of land who may be qualified by the proposed bill to vote as 10*l*. freeholders I am not competent to form any opinion upon. The cause of Youghall and its liberties not having contributed to the cess, arose from the illegality of the treasurer's warrant, which was directed to the mayor for the time being, who did not feel himself authorized to levy the rate. It is now directed to the proper authority, the baronial constable, who collects it without difficulty."

[The witness then said:] Here is another letter, containing some information about the liberties, it is dated "Youghall, 29 June 1831," and is addressed to Mr. Stanley. It is in answer to the circular letter that was written to all the authorities of Ireland before our commission was appointed. The letter says: "In reply to your letter of the 16th instant, asking for a statement of the number of householders in this town paying 10*l*. rent, and also the number of householders occupying houses of the clear yearly value of 10*l*. over and above all charges, except only taxes, and church and county cess; I beg to state that I shall make the return to the best of my knowledge, and as collected from the books of the churchwardens and the gas-light commissioners here, both, particularly the latter, made out as near as possible, and in my opinion correct."

"The number is, as near as I can say, 341, but of these I have no means of stating how many come under your second query; but I may add that there are several 10*l*. houses in the country round about us, in what are called the liberties of the town, and under my jurisdiction, suppose 40 or 50."

[The witness continued:] What I have last read is a letter from the Mayor who went out of office on the 29th September 1831: the letter I first read is from the Mayor who came in to office on that day. The number of the 10*l*. houses in the whole of the agricultural districts or liberties, is stated in the letter that I last read to be between 40 and 50; but as the numbers returned by the local authorities of any town were less in general than what we found them, I think I should estimate the number of 10*l*. houses in the liberties at 60 or 70; that is to say, I think that by including the whole of the liberties we should add 60 or 70 to the number of voters contained within the boundary proposed in the Report of the Commissioners.

21. That is if you include the 9,000 acres?—Yes, if we include the 9,000 acres.

22. Have you been able to ascertain what are the precise limits of the Gas Company under the local Act?—There are no precise limits; the commissioners have, I believe, power to extend their assessments as they extend their lamps.

23. Those limits are variable then, and the assessments extended as it may be thought expedient to extend the light in the town?—I think so.

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26. Have the commissioners an indefinite power to extend over the county, or only a power to extend it to a certain distance, as in several cases in England, in which they have the power to go to a certain extent and no further; have they a power of going beyond the liberties?—They cannot, I imagine, go farther than their lights go.

25. If they chose to light the whole liberties they might?—There is nothing that I know of to prevent them, but they would find it, I should think, a losing concern.

26. May they go beyond the liberties?—My impression is, they have a discretionary power to go as far as they please, as is the case under the general Lighting Act in Ireland: this in Youghall is, I believe, a particular local Act, which authorizes commissioners in any town to tax themselves without the expense of a separate Act of Parliament. Commissioners under this general Act have a power to extend their assessments as they extend the benefit of their lighting and watching; and I do not think they are limited by any boundary. My reason for thinking so is, that we wished in some places to adopt the boundary fixed by the commissioners, in the idea that the boundary of local taxation and of the elective franchise ought to be the same; but we could not do so, because we found in general the boundary of local taxation not to be fixed. In Sligo there is a fixed boundary of local taxation, and the Commissioners for that reason adopted it.

27. Do you happen to know the fact, whether the liberties contributed in any way to the local taxation of the town of Youghall?—Not to the town: they contribute to the county rates, and to the church rates, I believe, as parts of the parish, but not to the town.

28. The church rates are for the parish?—Yes, for the parish.

29. Now, in what direction do you conceive that the town of Youghall, if it extends at all, is most likely to extend?—For commercial purposes to the north, and in the way of villas or gentlemen's houses to the south, on the new road to Cork.

30. Is it extending there now?—It is extending to the north, but not very rapidly, as may be judged by the fact mentioned in the Report of the Commissioners, that there were only six houses building when the census of 1831 was taken.

31. Does it appear to be in a course of extension to the south?—It is extending itself, but very slowly.

32. Have you, in consequence of any representations which were made to you, prepared a second boundary, rather more extensive than that which you have laid down here?—Yes, I have it here. I have another boundary that I thought of when I was on the spot, but I considered myself not justified in proposing it, because it was so directly contrary to my instructions, which were to include as little as possible of land not occupied by houses.

33. Why is the line from (K) to (D) not drawn continuously, but as so many angles?—I remember being on the point (D), and was anxious to draw that very line, but the point was not visible, nor could I fix on any other intermediate point conveniently. A straight line from (D) to (K) would pass entirely over grass land.

34. Is there any ground to the westward of the proposed line, without this limit (D) and (K), which is suitable for building-ground?—It is suitable for building-ground; there is no natural impediment, but I do not think it likely to be built upon.

35. That is the ground to which you apply your former answer, that you thought it not likely to be built upon?—Yes; and I did not consider my instructions authorized me to take any ground not occupied by houses, unless there appeared a probability of its being built upon within a reasonable time, within the course of some few years, say 30 or 40 years.

36. Do you see any objection to drawing an uninterrupted line (I do not mean a straight one) from (K) to (D), according to your first intention?—I see no objection in the world, except that the points are not visible from each other.

[The Plan was then put in.]

37. Is there not a new bridge that has been lately erected over the river to the northward of the town?—Yes, but much beyond our boundary; a mile and a half, I should think, beyond our extreme point.

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38. Do you not think, that in consequence of the erection of that bridge the town will extend considerably to the north?—I really think the bridge is too far distant to have any influence, but I have already said that the town, for commercial purposes, will extend itself naturally in that direction.

39. Are there not houses at this moment building in that direction?—The six houses that are referred to in the Report as building when the census of 1831 was taken, are within the town itself, and long within our boundary.

40. Do you know where the waste ground is to the northward that has been partly taken in, but not completed?—I cannot say I do.

41. Do you know the end of the street to the northward?—Near the gas-works?

42. Yes?—Yes.

43. Are there not houses building there at this moment?—There were not when I was there, at least I do not remember them; none of any importance.

44. What did you observe to be the preference of county electors, with respect to a town vote or a county vote?—I have frequently put the case to persons in Ireland, representing to them that a town vote would be more influential in the return of a Member than a county vote; notwithstanding which I think I may say that I uniformly found the preference given to the county vote, except in the case of Mallow.

45. How many boroughs are there in Ireland?—Twenty-five, besides the counties of towns.

46. How many of those boroughs have liberties?—I believe all of them have, or nearly all.

47. Are the liberties stated in each case in your Report?—We have given such information as we could collect of them, but we found that the authorities very frequently did not know the extent of their jurisdiction. In most cases it happened that the corporate magistrate was also a magistrate for the county, and therefore the boundary of the jurisdiction was confused. I will read, with permission of the Committee, a passage on the subject from my Report: "This class, No. 2. (B.) comprises 20 boroughs, in which the right of voting is at present exercised exclusively by the members of their respective corporations. Most of these places have also, by their charters, extensive agricultural districts attached to them, but not in the same intimate way in which the liberties of the counties of cities are attached to the places named in Table (A). Little, if any, community of interest exists between these agricultural districts and the towns; the limits of them are in many cases forgotten, and in fact serve no present purpose whatever. There is no distinction between them and the rest of the county, either with respect to the payment of county cess, or the right of voting at county elections. The jurisdiction of the chief magistrate of the town extends, it is true, over them; but as he is in general also a magistrate of the county, the exact point where one jurisdiction ends and the other begins is frequently not known, and very seldom attended to. As neither residence nor property within these agricultural districts or liberties has hitherto conferred the elective franchise, the Commissioners, following their instructions, have not been in any way influenced by the extent of them, in proposing boundaries within which residence is in future to confer the franchise."

48. Are you aware of an Act of Parliament passed some three or four years ago, which separated the liberties of the town of Youghall from the town, and added them to the East Riding of the county of Cork, and transferred the jurisdiction to the assistant barrister of the county, instead of the mayor of Youghall?—I remember referring to the Statutes for that Act, to see if it suited my purpose at all; I have no further recollection than that it gave me no information that I wanted.

49. You have stated that you conceive there are in the liberty about 60 or 70 10*l.* freeholders?—I should think so.

50. Can you tell us what proportion of that number there are or may be between the line first proposed as a limit for the borough, and that proposed in this plan which you have since laid before us?—I speak only from guess: to the best of my belief not more than 10; really I think I put them at the utmost if I say 10; I doubt whether there are more than five.

51. Have you read, in the Reform Bill, that part which relates to the franchise of boroughs?—Yes.

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52. You remember that the number of freeholders which may be found in a given space, is no guide to the number of 10*l.* householders?—Certainly not; I thought the question put to me related to 10*l.* householders.

53. You think that the enlarged boundary would not make a difference of more than five or six?—If I say 10, I think I speak very much beyond the mark.

54. Are there any special reasons which occur to you why the circumference of the liberty should be given in this case, which do not apply to any other borough?—None at all; certainly none. I will, with permission of the Committee, read what the Mayor of Youghall writes to me on this subject, in his letter dated the 16th February last, the letter of which I have already read part to the Committee:

"As you ask my private opinion, I freely give it. I do not think any inconvenience would be experienced, or discontent created, by confining the franchise within the town and suburbs only; for, as I before stated, there are several respectable persons residing in the liberties who are registered freeholders for the county, who most probably would not like to relinquish or exchange that franchise for a minor one. Many of them so circumstanced are freemen of the corporation."

[The witness continued:] I will also, with permission of the Committee, read a letter from the Mayor of Sligo, which bears upon the same subject:

"It would add greatly to the respectability of the constituency of the town by including the whole of the line described by the Act of the 43d Geo. 3, as the boundary-line, provided the right of voting will be limited to houses valued at 10*l.* a year and upwards; but if houses and land in the same lease paying 10*l.* a year would give a right of voting, it would be much better to restrict the boundary to the confined circle, as it would establish a worse description of voters than the old 40*s.* freeholders: as the voter would not require to have any profit arising out of his concern, the whole of the circle would be covered with cabins, to which would be attached a small quantity of ground, to raise it to a nominal value of 10*l.*, to establish a fictitious constituency; drawing around the town a circle of filth, poverty, disease and discontent, for corrupt electioneering purposes." This is the opinion of the Mayor of Sligo.

55. Do you know in how many of the boroughs that have liberties, the limits of the liberties are annually perambulated, as they are in the case of Youghall?—I do not think that, of the boroughs I visited myself, there was any other. Wexford used to be perambulated, but they have discontinued it for the last 12 or 14 years. Of the towns I visited myself, I doubt whether there was any other regularly perambulated. Portarlington was not, and Carlow I think was not.

56. Have you drawn a description of this enlarged boundary?—I sketched out a description which I meant to send down to Youghall.

57. Then you have not sent it yet?—I sent it to a friend who is at Clonmel, requesting him to go to Youghall and see whether it would do or not. The day after I had sent it, however, I heard of the appointment of this Committee, and therefore wrote to my friend not to go until I knew the decision of the Committee, but I do not yet know whether my second letter arrived in time to stop him.

58. I think part of the object of the enlarged boundary was to provide for the possible extension of the town on the new road from Cork?—That was Sir John Newport's desire.

59. Is this the new proposed boundary that you say you sent to Youghall?—[A Plan was here shown to the witness].—Yes, this is what I drew out, and which I sent to the friend I mentioned, who is Captain Wilson, of the Royal Engineers, stationed at Clonmel. The following is a copy of explanation that I sent with the Plan:

"The new Cork road to be the boundary to the south of the town, from the point (Z), where it leaves the sea-coast, to the spot where it is met by a bye-road that runs over the hill, and joins another road that comes out of the centre of the town, and passes by Mr. Flynn's; if the point of junction (D) is
"not

"not sufficiently defined by this description, it must be fixed by measuring either from Mr. Flynn's house or from the spot where it quits the road that runs along the brow of the hill from Dr. Weyman's to the dispensary. From the point (D) we must get in some way to the old Cork road, at any convenient distance, say from 300 yards to 1,000 beyond the barracks; the point to be fixed, if necessary, by measurement from the entrance to the barracks or from the ordnance boundary stone, if there be any on the road. A straight line from (D) to the old Cork road would perhaps be the best that could be drawn, unless any serious obstacles intervene. We next want points on the Mount Uniacke and on the Waterford roads, and these must be taken somewhat farther advanced than the points (O) and (S) are at present. I would say not less than 200 or 300 yards, or more than 500 or 600, beyond the present positions of (O) and (S)."

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I added the following remarks to assist Captain Wilson in laying out the boundary :

"I am very doubtful about the correctness of the road which I have marked with the letters (in red ink) (A), (B), (C), (D), that is, the road running over the hill; if it exist it will probably answer our purpose, but if it be not suitable, or if it be not existing, then we must do the best we can. Straight lines from one point to another are to be preferred when they can be drawn, that is to say, when the two points are visible from each other. Town-land boundaries may be adopted if they are otherwise suitable and well known, but in general we have made very little use of them, unless in places where they have been fixed by the Irish survey. The points on the new Cork road may, if required, be fixed by measurement from the toll-board, but in such case the measurement must be carried along the centre of it, that is, the centre of the carriage-way. Query: Will the point (Z) be sufficiently defined by calling it the point where the new Cork road quits the sea-shore? If not, it must be fixed by measurement from the toll-board."

60. Is there any peculiarity in the circumstances of the two boroughs Dungarvan and Mallow, with regard to the right of voting? There is a peculiarity which I pointed out in my Report under the head of Class 4, Table (D).

"This table contains two places which were formerly corporate towns, but in which the corporations are extinct and the charters fallen into disuse, the elective franchise having been transferred in some irregular manner (not sufficiently accounted for) to the freeholders within the limits of the manors in which the towns are situate. In one of these towns (Dungarvan) the 5*l*. householders of the town share the elective franchise with the freeholders of the manor; but in the other (Mallow) they do not. As there is no corporate magistrate, there is of course no limit of corporate jurisdiction; but there are limits of elective franchise, viz. the limits of the manor; it became therefore doubtful with the Commissioners whether they could consistently with their instructions recommend any curtailment of these limits, and it may seem perhaps at first sight that they ought to be left in the same state as the boroughs of the last-mentioned class. There is, however, a considerable difference between them, which I will endeavour to explain. In the boroughs of the third class the right of election is in the householders or 5*l*. occupiers, who do not as such vote at elections for the county; but in the two boroughs of the fourth class the elective franchise is in the freeholders, who vote also as such at elections for the county. A second difference, and a very important one, is that the manors lie very unequally round the town, so that a person living at the distance in one direction of several miles from the town may possess a vote for it, whilst others living in the immediate vicinity of the town do not possess a vote.

"The Commissioners, therefore, in the uncertainty as to what might ultimately be determined on with respect to these boroughs, proceeded, in the first instance, to ascertain their existing limits, and afterwards to draw boundaries round the towns themselves, in the same way as they have done round the corporate boroughs, on the supposition that they were places to which their instructions did not entirely reach; and that it might very probably be ultimately determined to reduce these boroughs, which have

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" been since the decay of their corporate bodies in so anomalous a state, to the same condition in which the boroughs which have retained their corporate rights will be placed by the Reform Bill."

61. Are there any doubts as to the existing boundaries of the manor of Dungarvan?—We have taken great trouble to ascertain them, but I cannot say we have done so correctly. I have letters here on the subject, from which I will read some extracts; they are from Mr. Jones, a gentleman belonging to Mr. Griffiths' department, which is the department for ascertaining boundaries under the Irish Survey Act; and by two or three of the letters, or extracts from the letters, I shall show the nature of the difficulties that were experienced in ascertaining the extent of the manor of Dungarvan. One letter is dated January the 6th, 1832.

[The following letter was then put in, and read as follows:]

" Dear Sir: I have just received your List of Queries, which shall be answered as soon as possible. There is the greatest difference of opinion existing as to the boundaries of the manor. In truth there are scarcely two persons that I have met with (and I have spoken to many on the subject) who agree as to the townlands which comprise it; and in consequence I am of opinion it would not only be desirable, but actually necessary, to inspect the registry-books, which lie in the office of the clerk of the peace in Waterford. A Mr. Delambre is deputy-clerk, and would let me see the books on getting an order from Mr. Stanley. I should be glad to hear from you on this head with as little delay as possible.

" As to the making an actual survey of the manor, which I first proposed doing, it is quite out of my power; you must therefore be satisfied with a tolerable sketch. I have procured some maps, which will enable me to give you a pretty good trace of the portion of the manor east of Dungarvan; but the western side I must only make as accurate as I can, having the county map as the basis of my sketch of that portion."

62. Are you aware that boundaries of the manor had been the subject of discussion before at least one Election Committee, in the Irish Parliament?—I was not aware of that circumstance. This is a subsequent letter from the same gentleman, dated three weeks later; he says:

" Every day produces new difficulties in ascertaining the correct boundaries; in fact I think there are many persons here who, under the mask of giving me information on the boundaries, are endeavouring either to mislead or to puzzle me. I am sorry to be obliged to make this assertion, but from the different opinions which I find amongst gentlemen on the subject, I am led to believe that some, from political motives, do not choose to let me into the true state of the case."

63. Do you conceive that the 5*l*. householders on the whole manor of Dungarvan have now a right to vote?—Certainly not.

64. Within what limits are the 5*l*. householders entitled to vote?—The town alone; and in case of a question arising as to what is comprehended within the town, I know not how it could be decided, unless by the seneschal.

65. But the seneschal is no officer of the town, he is the officer of the manor, and therefore how can he make that distinction?—He is the returning-officer; and I suppose that no other person is likely to interfere, in the event of questions arising as to 5*l*. occupants being entitled to vote. I am aware of no other authority than that of the returning-officer or his assessor.

66. Upon what information do you ground the opinion you have given, that the right of 5*l*. householders is confined to the town, and does not extend to the manor?—From the information that I could gather on the spot, I concluded that to be the case; there appears no difference of opinion on the subject. I will read a letter from the clerk of the peace:

" I have had the honour of receiving your letter of the 18th instant, calling on me to furnish you with a return of the number of freeholders registered within the manor of Dungarvan, and also a return of all the inhabitants of Dungarvan who are qualified to vote as 5*l*. householders.

" To

"To the first of these queries I find no difficulty in making the return which you will find at the other side, and which I have made out as nearly as I could to the actual number. I have excluded such as I knew to be dead, and such whose registries have lapsed, either by the lapse of the life in their lease or by time, but among these I give it is also probable that many are dead of which I cannot possibly have any knowledge. With respect to the 5*l*. householders, it is to me a case of great difficulty to give you anything like a certain return of the number now actually capable of voting, for the following reasons: the greatest number of those persons who appear on my books to be registered as 5*l*. householders are also registered as freeholders, and I would find it impossible to ascertain which of them are so doubly registered; and also, that the registry of a 5*l*. householder, provided he resides in the same house, continues in force during his life. Without a very intimate knowledge of the town of Dungarvan it would be impossible for me to say how many householders are registered who are not registered as freeholders, but my opinion is that there are not 200 now existing so situated."

"50*l*. freeholders, 31. Can vote for the county of Waterford and borough of Dungarvan."

"20*l*. freeholders, 43. Can also vote for both county and borough."

"10*l*. freeholders, 10. Vote for county alone."

"40*s*. freeholders, 597. Vote for the borough alone."

"5*l*. householders, in my opinion, will not amount to 200, exclusive of such as are included in the above freeholders."

Here are questions which I sent to Mr. Jones, when he went to Lismore Castle for the purpose of obtaining information from Colonel Currie, the Duke of Devonshire's agent. The answers were given under Colonel Currie's direction. One question is: "Is there any document at Lismore Castle to show how the freeholders of the manor came to vote in conjunction with the inhabitants of the town, and the time when they began first so to vote?" This is the answer: "The time that the freeholders of the borough first began to vote with the inhabitants of the town is not known, but there is a poll-book at Lismore, dated 1750, which shows that the freeholders and the potwallopers, (a name given to the inhabitants of the town to distinguish them from the freeholders,) then voted together; and from time out of mind the right of voting seems to have been exercised by them in conjunction. An Act of Parliament, 35 of Geo. 3, did nothing more than regulate the franchise, that is, it raised the potwalloping qualification to 5*l*."

John Dillon Croker, Esq. called in; and Examined.

67. ARE you a very extensive proprietor within the borough of Mallow?—*John Dillon Croker, Esq.*
I am heir to a large portion of the borough of Mallow. I have part of the estate at present in my own hands.

68. What quantity of land are you heir to in the borough?—I cannot say exactly, but I believe over 1,000 acres.

69. Have you seen the new limits which are proposed for the borough of Mallow?—I have.

70. Would the entire of that land be excluded from the right of voting within the borough, if those limits be adopted?—The entire.

71. Have those limits been approved or disapproved of generally within the manor?—Disapproved, as far as I can learn; they were not generally known when I was there, and from what I have heard since, they were very much disapproved of.

72. Are there not a great number of houses of a very respectable class immediately close to the boundaries, which will be excluded?—Yes, a number, according to the map I have seen since I came to town.

73. Do you think that in general the present voters of the manor are more anxious to retain their votes for the manor or to be transferred to the county, presuming that they will not have continued to them the double right of voting both for the county and the manor?—I believe they would prefer the vote in the manor to the county in general, but at present we have the double right of voting under the one registry, except the 40*s*. freeholders.

74. Could a 10*l*. freeholder, registered as such, vote for the borough?—No.
635. 75. Then

John Dillon Oaker,

Esq.

9 June 1832.

75. Then a 10*l*. freeholder must register as a 40*s*. freeholder, provided he cannot do so as a 20*l*. freeholder?—He must.

76. But a 10*l*. freeholder might register for a borough as a 40*s*. freeholder, and in right of the same property register as a 10*l*. freeholder for the county?—He could at present, if he had a 10*l*. interest in it.

77. Would you, as an individual possessing a large property within the borough, wish the entire of your property to remain in the manor, thereby losing your vote for the county; or would you prefer that property to be partly in the county and partly in the manor?—I would prefer it to be partly in the county and partly in the manor.

78. Why?—In the first place I can conceive that it may not be for the good of a new constituency to take the entire of the outskirts in.

79. Are not there two denominations of Upper and the Lower Quarter Town?—Yes.

80. What does the Upper Quarter Town join?—Gurtnegragy.

81. Is Upper Quarter Town within the limits of the present manor?—It is, the entire of it; and so is Gurtnegragy, the part of what is marked on that map.

82. Do you know the boundaries of the parish of Mallow?—I do generally, but not accurately.

83. Is there any tract of land in the parish, but not in the manor, to the north of the Blackwater?—Yes, I think there is.

84. Do you find that part of the parish is placed on this map?—No, it is not.

85. Then there is a considerable portion of the parish outside the manor, which is not in the map?—There is a part, I think.

86. Do you know the quality of the land which composes the extreme part of the manor?—In general the quality of the land is not good. That of Mr. Hawell's property is not good. The Upper Quarter Town, just near the mountain and Gurtnegragy, is not good land.

87. Is not there a mountain marked on the map here, called Knockarora, lying to the south of the Blackwater, within the parish but not in the manor?—There is; I believe it is in the parish.

88. Which would be within the boundaries of the parish which are placed on the map?—Yes. There are none of the lands of Upper Quarter Town in the parish of Mallow near Gurtnegragy.

89. To what parish do they belong?—They belong to the parish of Momnably.

90. And yet they are in the manor?—And yet they are in the manor.

91. Have you any plan to suggest by which, as you conceive, a most independent and respectable constituency would be obtained for the borough?—I have been turning it in my thoughts, and it struck me that not less than a mile Irish measure from the church would take in some of the most respectable, those who had before the first interests in the manor; for instance, it would take in the mansion-house and part of the demesne of my father; it would exactly take in at the other extreme the residence of Mr. Noble Seward, and also, I should think, 23 or 24 respectable persons residing now within that circle, but without the limits that are marked out.

92. Have you any other ground for taking that survey except for the convenience of including a respectable constituency; does it not exclude a considerable part of what is now in the manor, and does it not also include a considerable part not in the manor?—I was going to add, I should have recommended the 50*l*. and 20*l*. freeholders at present in the manor; I have heard it suggested that their votes should be continued to them in the manor; but in taking in this it would include a number of respectable persons at present excluded, which I think would be of great benefit; for in a few years, when the number of 40*s*. freeholders whose right to vote is reserved for life die off, the constituency of Mallow would not be above one half of what it is at present.

93. Do you think it would be an improvement, or do you think it desirable the manor should be left as it is; or would you prefer the plan which you have suggested?—I certainly think the taking in the 10*l*. householders would be a better constituency than the 40*s*. freeholders, provided the limits are extended.

94. I am

94. I am asking you as to the boundaries?—I think the old would be better than the new, if there was a choice between the old and the proposed. *John Dalton Croker, Esq.*

95. Do we understand you that you would prefer the old limits of the borough, if by adhering to these old limits you were to lose your vote for the county, rather than to propose limits, if by the proposed limits you were to have reserved to you both your right of voting for the county and for the borough?—By the proposed limits I shall be excluded from the borough, except for life.

96. Your property would be taken out of the limits, but your right would be preserved as long as you possessed the property, that is, for your life; or would you prefer retaining for your life a double vote, and taking the boundaries proposed by the Reform Bill, or adhering to the present limits of the manor of Mallow, and at once losing the vote you now possess for the county?—I think if I was to lose either, I should rather lose the vote for the county.

97. You are aware that the constituency in the towns consist of 10*l* householders possessed of a house and land, being together of the value of 10*l*, without reference to the period for which they may be possessed of them; what would be the effect upon the constituency of the manor of Mallow if you were to leave the whole extent of the manor and adopt that constituency?—I think the effect would be the subdivision of almost all the property about, to make freeholders or holders of property of 10*l*, and in the end it would be very injurious.

98. If there were to be a constituency of the town, would you not think it desirable to draw the limit of the future borough as closely as possible round the space which is occupied by houses?—I think that is a thing that can never occur in the distance that I proposed of about an Irish mile; for that part is chiefly composed of gentlemen's domains, that cannot and will not, I am sure, be subdivided for that purpose; I think it would not have that effect by giving it one Irish mile.

99. But with that constituency you would not recommend the adhering to the whole extent of the present boundaries of the borough of Mallow?—No, I would not, though my family would have the very first interest in the manor, by subdividing the property, ultimately.

100. What objection do you take to the line which is proposed, in point of principle, to the line which is proposed by the Boundary Bill?—I think it excludes a number of those who have a vote in the town of Mallow, and for two reasons: first, that they are the most respectable persons that live outside this boundary, and I think would counteract low 10*l* householders in Ballidaheen, which is now to be included in the new boundary; secondly, it would make the constituency more respectable and more independent.

101. From what you know of the description of persons who would be within the boundaries as proposed in the Bill, what description of people do you think they would be?—I think that there are many of those 10*l* householders that may be corrupt, so that no man would be very comfortable who was to be returned by them.

102. Within the proposed boundary, is there anything excluded which can fairly be considered as part of the town or suburbs?—As to the suburbs, I conceive Captain Davis's, and he is excluded, and there are two or three houses adjoining Captain Davis's: Mr. Purcell's is one.

103. Are Mr. Purcell's and Captain Davis's country houses and freehold property?—They are freehold property, I believe, and they are certainly in the country, but adjoining the town.

104. What is the space between Captain Davis's and the nearest house in the first street of the town?—I should think Captain Davis's is not above a quarter of a mile English, and perhaps not quite so much.

105. From your knowledge of the town of Mallow are you able to state what would be the probable constituency of the proposed limit?—I do not think there would be of 10*l* houses in the town of Mallow, certainly not over 200.

106. What number of 10*l* houses do you think the whole manor would give, exclusive of the 200 of the town?—I do not think the whole manor would give of 10*l* houses over 50 in addition. I cannot speak accurately.

107. In estimating this number of 10*l* householders in the manor, do you include the persons who might under the Bill have a vote as householders, with the addition of any lands and outhouses?—If each person who had a house and land equal to 10*l*. in it had a vote, I think they would be over the present number of freeholders in the manor.

John Dillen Crozier,
Esq.
2 June 1832.

108. Do you apprehend that the introduction of that low class of constituency over a large agricultural district would diminish the respectability of the voters?—I should not be glad to see it.

109. What addition to the electors would be made, in your opinion, supposing the proposition made by you, of adopting the mile, was carried into effect?—I looked at a small map, and I reckoned that at present there are but 25 respectable ones, in addition to those of the proposed boundary; but also I have to say, that, in the outlets of the town, land now lets as high as 5*l.* or 6*l.* per acre for building, and the buildings are increasing every year round the town.

110. You mean to say by that, that the constituency as at present would be increased 25, and in course of time it would increase?—Yes.

111. Do you think the rural population would be more corrupt than the town population?—They are bad enough as it is, and it would, I fear, only increase the evil.

112. Do you think it would be worse?—I think the 10*l.* (taking in the whole of the rural voters) would be worse, for they would not be so respectable, taking the average in general.

113. Then I understand you, that your great objection in taking in the whole of the manor is, that it would operate to subdivide land in such a degree that it would be very injurious?—Certainly I do think it would be very injurious. I have seen enough of the ill effects of that before in our country.

Jovis, 19th die Julii, 1832.

THE RIGHT HON. E. G. STANLEY, IN THE CHAIR.

Mr. John Hudson, called; and Examined.

Mr. John Hudson,
19 July 1832.

114. ARE you the Seneschal of the manor of Dungarvan?—I am.

115. In what capacity are you the returning officer?—I am.

116. Are you the person who has to judge as to the right of voting of the persons who present themselves to vote?—I conceive so.

117. Has that right, on your part, ever been disputed?—Never.

118. In whom do you conceive the right of voting for the borough of Dungarvan is vested?—I conceive it is vested in persons occupying houses of the yearly value of 5*l.*, and in freeholders.

119. As low as 40*s.* freeholders?—Yes.

120. Do you know of any distinction being drawn between the inhabitants of the town, and the inhabitants of the manor at large?—I do not.

121. If a person tendered his vote to you as a 5*l.* householder, resident within any part of the manor, should you feel yourself bound to admit it?—I should.

122. In point of fact, have you ever admitted such persons?—I cannot say in point of fact I have; I cannot bring to my recollection any particular instance.

123. And can you bring to your recollection ever having refused such a person?—By no means.

124. Do you consider the Abbey-side to be part of the town of Dungarvan?—The Abbey-side is divided from the town of Dungarvan by the river Collegen, over which the inhabitants of Dungarvan have to pass by a bridge. With respect to my opinion as to their composing a part of the town of Dungarvan, it appears to me that the inhabitants of Abbey-side have an equal right to vote for the borough and manor of Dungarvan as the people living on the Dungarvan side of the river.

125. What local rates are levied in the town or manor of Dungarvan?—Church and county rates.

126. Are they levied indiscriminately upon the inhabitants of the town and the manor at large?—They are, so far as relates to the parish; there is a portion of the manor of Dungarvan that extends to other parishes.

127. Is

127. Is there any rate for lighting and watching the town of Dungarvan? *Mr. John Hodson.*
—No.

128. Are there boundaries, which are well known and recognized, that separate the town from the manor of Dungarvan?—Yes, as the question relates to the county rates affecting the town, there are.

19 July 1831.

129. Do those boundaries include Abbey-side or not?—The town of Dungarvan is rated in proportion to the extent of seven plough lands and a half; and Abbey-side does not compose a portion of what is considered to be those seven plough lands and a half.

130. Then Abbey-side, for the purpose of this assessment, is not considered as a part of the town of Dungarvan?—No.

131. If there was any distinction with regard to the elective franchise between the householders of the town and the freeholders of the manor, the householders of Abbey-side would not be entitled to vote?—I do not conceive there is any distinction.

132. Supposing there was a distinction between the town and the manor, the householders of Abbey-side would not be entitled to vote?—According to the view of the case as I have given it in my previous answer, Dungarvan is rated in itself, subject to the payment of a proportion of county charge equal to an extent of seven plough lands and a half. Abbey-side is a distinct thing; therefore, if the distinction was to be formed upon the principle of the county charge affecting the town of Dungarvan in itself, on that principle, if such was to be the case, then in that case Abbey-side would be excluded.

133. Is there any distinction between the jurisdiction which is exercised over the town and that which is exercised over the manor?—No.

134. Are you the seneschal of the manor?—I am.

135. As seneschal of the manor do you exercise jurisdiction over the town, and are there any persons who exercise jurisdiction over the town who have no jurisdiction over the manor?—There are not.

136. Then in point of fact, except as to parochial assessment, you know of no distinction drawn between the one part of the manor and the other?—I do not.

137. Are you aware the right of voting for the manor of Dungarvan has been the subject of discussion in the Irish Parliament?—I cannot say I am aware of it.

138. You are not aware of any decision having been come to on that subject?—I am not.

139. And if a voter was to present himself before you as a *5l.* householder, in the exercise of your authority you would feel yourself bound to admit him, even if he were not a freeholder?—Certainly.

140. In any part of the manor?—No matter from what part of the manor he came.

141. Can you at all account why there are not these *5l.* householders registered for this part of the manor of Dungarvan?—I think I can.

142. Have you ever registered any person who was a *5l.* householder, who resided out of the town?—I am not the officer whose duty it is to make such registers.

143. Have you admitted any person to vote as a householder, residing in Abbey-side, and not in the town of Dungarvan?—I am not prepared to say that I have or have not, because it was not for me to know where they resided excepting an objection was made.

144. Take this map, and tell the Committee, according to the best of your knowledge, whether these are the boundaries of the manor of Dungarvan?—I have it not in my power to describe the boundaries of the manor of Dungarvan, I know nothing of the boundaries of the manor of Dungarvan but from report; a difference of opinion has existed with respect to the boundaries of the manor of Dungarvan, which I am not competent to decide upon.

145. Is there any part of the lands there described as being part of the manor of Dungarvan that you would hesitate in issuing a writ against any person under the decree of your court?—There is not.

146. You are not a magistrate of the county?—I am not.

Captain G. Gipps.

19 July 1832.

Captain George Gipps, again called in; and Examined.

147. DO you wish to give any explanation with regard to any communication which led you to believe that there was a distinction made with regard to the right of voting of the 5*l*. householders of the town and of the manor?—I wish to state that I have written to my co-commissioner, Mr. Duffey, who is at present in Ireland, at Kilkenny, to know if he could explain how the mistake arose; in answer to which I have received from him this day a letter, which I hold in my hand, in which he says, "I am quite certain (mentioning the authorities of Dungarvan,) I am quite certain they told us it was confined to the town." I have nothing further to say.

Mr. John Hudson, recalled; and Examined.

Mr. John Hudson.

148. IT has been stated by one of the Commissioners who was sent to inquire into the boundaries of the town of Dungarvan, that from the information he there received he was led to believe that the right of voting of the 5*l*. householders was confined to those who were within the limits of the town; can you explain how that misrepresentation could have arisen?—When Mr. Duffey and his co-commissioner came to Dungarvan, I believe he handed to me an official letter from Mr. Stanley, requiring me to give him every information in my power, as the seneschal of Dungarvan; I did so; and in the course of my conversation with Captain Gipps, it is not impossible that I might have said, I do not say I did so, but it is not impossible but I might have said to Captain Gipps generally, that the 5*l*. householders were confined to the town, never for a moment intending to convey, nor do I suppose I could have conveyed the idea, by saying that they were confined to the town, that they were precluded from the other parts of the manor.

149. Your meaning then in giving that information would be, that particularly no persons voted as 5*l*. householders, except those that resided within the town?—Generally.

150. By the others chiefly voting as 40*s*. freeholders, you do not mean to convey the impression of allowing the freeholders, and excepting the 5*l*. householders from coming in from any part of the manor?—Certainly not; the reason I said the qualification of a householder is that he resides in a house of the yearly value of 5*l*., and in general the occupiers of such houses are confined to the town. Persons residing in remote parts of the manor in general do not occupy houses of the yearly value of 5*l*., and even although they may, it would be their interest to come in as freeholders had they a freehold interest, by which means they should have a double vote.

Mr. Thomas John, called in; and Examined.

Mr. Thomas John.

151. ARE you acquainted with the town of Youghall?—I am.

152. Have you the plan as drawn by the Commissioners?—I have.

153. Will you look at it near where the red line is drawn, and tell me whether that comprehends the whole of the present town?—It does.

154. Are there any local Acts which make any distinction between the town of Youghall and the surrounding country?—There is an Act of Parliament for lighting and cleansing the town, adopted within the town, to which the country do not contribute anything towards the expense of, and it costs 600*l*. a year for lighting and cleansing the town.

155. Are you certain that the Lighting Act is a local Act, or that the town of Youghall has brought into operation the general Lighting Act?—The general Lighting Act is adopted within the town.

156. The general Lighting Act does not describe any defined limits within which it is intended to apply?—No, that is by the vote of the inhabitants.

157. What persons have a right to vote on that subject?—Occupiers of houses of the value of 5*l*. a year.

158. Within what limits?—Within the proposed boundaries; if you were to light other persons, they would be assessed.

159. If you wished to extend the operation of the Lighting Act either north or south, beyond the existing town, you would only have to take the votes of those persons who are to be subjected to it?—You must by public advertisements

ments take the votes of those persons in conjunction with the votes of the town. Mr. Thomas John.

160. Is that Act partially carried into effect beyond the old walls of the town? 19 July 1832.

161. Are there any circumstances that lead you to believe that the town of Youghall is likely to extend in those two directions, either towards the Waterford Bridge, or along the new Cork road?—The town of Youghall has only two places to extend in, that is either north or south.

162. Do you think it likely that the town will extend up the brow of the hill at the foot of which it stands, beyond the present line of direction?—I do not think it likely.

163. Do you think it desirable to extend the limits from beyond that line to take in an extensive district of country, and add to the constituency of the town?—I do not.

164. You would therefore draw the line as closely as possible to the town on the western side, but extending it rather beyond the limits now proposed by the Commissioners north and south?—Yes.

165. Are you acquainted with the house called Eustace's Folly?—I am.

166. Is that considerably beyond the present limits of the town?—Half a mile.

167. Would you consider the cross-road that comes down in the main Waterford road, just beyond Eustace's Folly, would be a sufficient extension in that direction?—I think it would.

168. Now turn to the other side of the plan, and look at the point where the new Cork road leaves the sea-shore?—I see it.

169. Has the town extended in that direction, or is it likely to extend beyond that point?—I do not think it is.

170. Do you think, if that point was taken as the extreme line of boundary on the south side, it would include as much land as is likely to be built upon for a very considerable period of time?—I am convinced of it.

171. Do you know the situation of the house of Mr. Flynn?—I do.

172. Is that out of the present limits of the town?—It is.

173. Are there any houses beyond that, in that direction, which would serve to increase the constituency of the town if they were included?—Going half a mile further, there would be one house.

174. Do you think that there is any probability of houses being built along the present Cork road, beyond the point at which it leaves the sea?—I do not.

175. What description of land is it on the part towards the south, after you leave the sea?—The lower is turf-bogs.

176. Can you tell us what amount of contribution you think the people residing without the walls of the town pay to the municipal taxes of the town?—There is not 20*l.* paid towards the town; I think not 10*l.*; and I doubt whether 5*l.*

177. You have a fever hospital at Youghall?—Yes.

178. What amount is contributed by the inhabitants of the town towards that fever hospital?—About 160*l.* within the town.

179. When you say the town, what do you mean?—I mean within the boundaries marked out by the Commissioners.

180. Do you find any sums contributed by people without the town to the fever hospital?—There are a few, very few indeed; I believe about 4*l.*

181. Supposing a line to be drawn from the point at which the new Cork road leaves the sea over to the cross line, to the point of Mr. Flynn's house, and from thence as near as possible in a straight line, coming down on the sea-shore beyond Eustace's Folly; would that include land not likely to be built upon for a considerable period?—You will not see it built upon for centuries.

182. What is the nature of the country east that line, and the outer line now drawn on the plan?—All farm ground, arable and pasture land.

183. Containing few, if any, qualifying tenants?—But four or five on the whole of it.

184. Should you see any objection to extending the boundaries to the cross road which you may see running north and south, and falling into the new Cork road?—I think that the new line to start from the southern point on the road to the west of the brook contains about 230 acres, and I do not see how the constituency of the town would be benefited by taking a greater quantity of land.

Mr. Thomas Jahn.

19 July 1832.

185. When you say 230 acres, do you mean that includes 230 acres of land not at present built on within the town?—I do.

186. Generally speaking, would you think it desirable to confine the boundaries of towns in Ireland solely to the towns, or to extend it to the country about them, in reference to the description of constituency that they would have?—I think, generally speaking, towns of the description of Youghall, that have mercantile interests to protect, should be confined within the certain limits of the town, and not to have the county interfering with it.

187. Are you not guided a good deal in the opinion you have now given by the number of constituents contained within the town, wherever situated?—No, I cannot exactly say I am.

188. Are you of that opinion, if there were but fifty 10*l.* householders in the town of Youghall, that that would be sufficient?—No, certainly not.

189. About how many 10*l.* houses are there?—I think from 350 to 400.

190. You state in this case that a further extension of the boundaries would not add to the constituency?—I cannot say that it would not benefit the constituency, I think.

191. Do you think it would add to the constituency?—I do.

192. What class of constituents would it add?—I cannot answer that; that depends on how the county would be divided, and whether there would not be a creation of votes?

193. What number do you think would be added, taking the number of houses as existing on the land, and divided as it now is?—At present not more than four or five 10*l.* householders.

194. You do not think that there is any probability of this ground being built on, unless it be for the purpose of manufacturing votes?—Certainly I do not.

Luna, 23^e die Juli, 1833.

EDWARD JOHN LITTLETON, ESQ. IN THE CHAIR.

Mr. Robert De la Cour, called in; and Examined.

Mr.
Robert De la Cour.

28 July 1832.

195. ARE you well acquainted with the situation of the town and manor of Mallow?—Very well.

196. And with the neighbourhood?—Yes.

197. Have you before you a map containing the limits of the manor and the boundaries, as proposed by the Commissioners under the Reform Bill?—I have.

198. Do you consider it desirable, for introducing a new constituency under the Reform Bill, that the whole of the manor of Mallow should be included within the boundaries?—I should not think it desirable to include the whole of the manor, because I think that would be liable to the creation of fictitious voters, but I think the limits as marked out by the Commissioners are too restricted.

199. Are you aware that the general principle by which the Commissioners have acted with regard to all the boroughs in Ireland, is to draw the limits as close as possible around those portions connected with the town?—I am.

200. Does it appear to you that the Commissioners have excluded from the town of Mallow any portion which may be fairly so included?—Not of the inhabitants; I do not think it excludes the inhabitants of the town, but it excludes a great many of the respectable inhabitants of the vicinage.

201. Do you not know that the proposed boundaries go even beyond that of the existing manor, inasmuch as it takes in the village of Ballydaheen?—It does.

202. That is not part of the manor of Mallow?—No.

203. In what direction should you recommend any further extension to be made, and upon what should you ground that recommendation?—On considering the subject after I received the summons from this Committee, it occurred to me that the most impartial boundary that could be suggested would be by a circle

circle extending perhaps the distance of one Irish mile from one given point as central as could be, and the church would be probably as central a point as could be fixed upon: and the reason that it appeared to me to be advisable to recommend the extension of the boundary was this, that confining the constituency, as recommended by the Commissioners, to so very restricted a portion, I think the candidate would be too much in the power and under the influence of the inhabitants; and it strikes me that to carry the principles of reform most effectually into operation, it would be advisable to protect the candidate from undue influence on the part of the electors as much as possible, and also to guard the electors against any corrupt influence on the part of the candidate.

204. Have you any particular ground for taking the limits at one Irish mile?—It appears to me that one Irish mile would include almost all the respectable residents within the neighbourhood of Mallow; and by making that a circle in preference to a straight line, it would be a more impartial course than by adopting another, as it might be presumed by taking an irregular course by a straight line, it might be supposed to be an object to give the franchise to those who did not possess it.

205. What number of those would be included, and what additions made to the constituency, by extending it a mile circle?—I have endeavoured to form an estimate, and I think the utmost extent would be from 60 to 100 additional voters.

206. What would be the class of persons amounting from 60 to 100?—Of the most respectable class. I cannot answer as to any fictitious votes that might be created, but the neighbourhood of Mallow I consider to be peculiarly circumstanced in that respect. Mallow itself is not either a commercial or a manufacturing town, and the neighbourhood of Mallow is peculiarly circumstanced with respect to the number and respectability of the inhabitants.

207. Are you aware that in the borough qualification in Ireland all persons are admitted to vote who have a house and ground being together of the value of 10*l.*, and without reference to the tenure under which they hold it?—I am.

208. Do you not think that the addition of a considerable agricultural district to the town would afford great facility for manufacturing fictitious votes?—I think it might be the case in general; but what would be included within the circle would consist principally of gentlemen's manors, and I think it could not reasonably be calculated upon that they would make fictitious voters on lands so circumstanced.

209. Are you aware that persons occupying houses, who exercise the right of voting in the borough, lose thereby the right of voting which they may have in respect of the same property for the county at large?—I am.

210. Do you consider it desirable that those voters should be taken out of the county and put upon the constituency of the town?—I think it would be a greater object to the respectable inhabitants of Mallow to have votes for the borough than for the county; I think it would be more desirable for them.

211. Are there any natural boundaries by which you would mark the limits of the borough, supposing it were desirable to take one more extensive than the Commissioners have taken, without having the circle round the town?—I think there are.

212. Do you know Mr. Seward's house?—Very well.

213. Do you know the house occupied by Mr. O'Connor, called Spring Mount?—Yes.

214. Do you think a straight line might be easily drawn between the two?—Very easily.

215. Do you know the Upper Quarter Town Mills?—I do.

216. Would there be any difficulty in taking a line from Mr. O'Connor's across to the Upper Quarter Town Mills, and from thence by Quartertown House to Killetra House?—None whatever; the objects are very distinct; there could be no sort of doubt about it.

217. From Killetra to Beechmount, and from thence to that point where Mr. Barrett has lately built a garden wall, would there be any difficulty in drawing lines between those points?—I do not recollect the garden. I know the lands of Croaghanearla; I think it might be very easily marked, and designated from Beechmount.

218. Do you know a small road called the Ballylought road, and the point
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Robert De la Cour.
23 July 1832.

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23 July 1836.

where it is met by another small road which has branched off from the Carrig road?—I do.

219. Would there be any difficulty in carrying a straight line between these two points; between Barratt's ground and the termination of that road?—Certainly not.

220. From thence up along the road till it reaches the Carrig road is quite clear?—Yes.

221. From the termination of the small road where it meets the Carrig road across the lands of Carigoon, would there be any difficulty in having a line traced thence to the gate lodge of Eastley?—No.

222. From that point up to Mr. Seward's house would also be easily traced?—Yes, quite easily traced; that terminates the border.

223. Which do you think would be the most desirable boundary of the two, that or the circle of an Irish mile round the church; do you think that the boundary should be drawn from Barratt's garden to the orchards on the lands of Ballyvinter?—The reason I prefer the circular boundary is simply because I think it would be a more impartial one; it would afford less reason to suspect anything like a favouring any one individual.

224. Either the circular boundary or the enlarged boundary which you have now suggested would let in a considerable space of agricultural district, and a number of gentlemen's houses?—It would.

225. And that would include within the town a new constituency?—Some of the gentlemen may have holdings in the town, though I am not aware of it; I believe Major Russel has some holding in the town of Mallow.

226. Do you not know that the extended line would include proprietors of property who would have the same interest in the prosperity of the town as those who reside in it?—I consider so, decidedly.

227. Their principal dealings are connected with Mallow?—I think their prosperity, comfort and interest are materially connected with the interest of the town. I perceive also that this boundary would include my own residence.

228. Which boundary?—Either the circle or the line described before.

229. Not the line described by the Commissioners?—No, it would not give me the franchise; but I have a holding in the town of Mallow, and am entitled to vote.

230. Do you think there would be any facility for making fictitious voters in adopting the circle you have recommended?—I think there would be to some extent, but not to any great extent.

231. You have stated you think there would be an addition of upwards of 60 voters by this extension; would they not be all independent voters, not under the influence of any particular proprietors?—Yes; and it is upon that principle that I think it would be desirable to extend the boundaries, because it would include a constituency very far above corrupt influence of any kind.

232. And would not a portion of nearly every person's property now contained within the manor be included within that circle?—Certainly; there is a considerable manorial property, which I do not see is marked, which belongs to Mr. French, but that is too remote.

233. Do you think this extension of the borough would give very great satisfaction to the people of the town?—I do; I think it would give great satisfaction to the people of the town, and would be particularly agreeable to the proprietors of that property which would be included by those boundaries.

234. What number of constituents do you think would vote under the Reform Bill?—I think they might be estimated at about 300.

235. Besides freeholders who would have their votes during their lives?—Yes.

236. According to your calculation, there would be from 60 to 100 voters who would be included by the line now recommended; how many do you suppose are now freeholders of the manor?—I cannot say exactly; there is my own demesne, there is Mr. Croker's, Mr. Barratt's, and some others who are all manorial voters now.

237. Then most of the voters you propose to include would retain their votes under the Bill with the boundary suggested by the Commissioners?—I think so decidedly.

